

REMARKS

Claims 1-63 are remaining in this application. The Applicants respectfully request an examination on the merits.

As an initial matter, the Sequence Listing submitted with the Response to the Notice to File Missing Parts of Nonprovisional Application, dated May 17, 2001, contained some errors. The written sequence listing originally submitted with the filed application on February 1, 2001 contained all of the correct sequences. The enclosed Sequence Listing (containing sequences 1 through 41), in both written and computer readable format, contains the same sequences and is identical to the Sequence Listing that was originally submitted with the filed application on February 1, 2001 (except that it is in PatentIn 3.1 format instead of PatentIn 2.0 format). The content of the Sequence Listing recorded in computer readable form submitted herewith is identical to the written sequence listing submitted herewith, and contains no new matter. The Applicants respectfully request that the Examiner replace the written and computer readable sequence listing submitted on May 17, 2001, with the written and computer readable sequence listing enclosed herewith.

The Examiner has required restriction of the application pursuant to 35 U.S.C. § 121 into one of the following groups of inventions: (a) Group I including Claims 1-63 directed to a method of sequence specific mRNA detection; (b) Group II including Claims 64-66 directed to a set of primers; and (c) Group III including Claims 67-74 directed to a computer analysis system. In response, the Applicants elect without traverse the claims of Group I. Claims 64-74 are thereby cancelled without prejudice to the filing of a continuation application.

The Examiner also required restriction of the application pursuant to 35 U.S.C. § 121 to a single disclosed species for prosecution if no generic claim is finally held to be allowable. The Examiner identifies the following species: (a) anchor primers (select one of SEQ ID Nos. 1-3); (b) adapter primers (select one of SEQ ID Nos. 7-14); (c) 3' PCR primers (select one of SEQ ID Nos. 5-6); and (d) 5' PCR primers (select two of SEQ ID

Nos. 17-24). The Examiner acknowledges that Claim 1 is generic, and the Applicants respectfully submit that Claims 2-7, 9, 10, 23-36, 38, and 51-58 are also considered generic.

The Applicants respectfully submit that the restriction requirement as stated is not clear in that it cannot be determined whether the Examiner considers each type of primer to represent a separate species, or whether the Examiner considers only the different sequences within each primer type to represent a separate species. Since each of the primer types is used in the operation of the invention, the Applicants assume that the Examiner intended the latter interpretation. Moreover, it is respectfully submitted that two adapter primers are necessary to build the adapter, rather than one, so the restriction requirement must therefore permit selection of two adapter primers. Based on this interpretation of the restriction requirement, the Applicants elect without traverse as follows: (a) anchor primers (SEQ ID No. 3 recited in Claims 8 and 37); (b) adapter primers (SEQ ID Nos. 9 and 10 recited in Claims 13, 14, 41 and 42); (c) 3' PCR primers (SEQ ID No. 5 recited in Claims 19 and 47); and (d) 5' PCR primers (SEQ ID Nos. 17 and 18 recited in Claims 21, 22, 49 and 50).

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To the extent necessary, Applicants petition the Commissioner for a one-month extension of time, extending to March 27, 2002, the period for response to the Office Action dated January 27, 2002. The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "BMB".

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Enclosures: (1) Amended Sequence Listing (written)
(2) Amended Sequence Listing (diskette, PatentIn 3.1)